

REMARKS

Claims 2-15 are pending in this application, claims 6-15 having been withdrawn from consideration. By this Amendment, claims 2-5 are amended, and claim 1 is canceled without prejudice to or disclaimer of the subject matter set forth therein. Support for the amendments to claims 2-5 can be found in the specification as originally filed, for example, at page 17, line 13 - page 19, line 8, and in claims 1-5 as originally filed. Thus, no new matter is added by these amendments.

I. Objection to the Specification

The Office Action objects to the specification, asserting that the title is not descriptive and requiring a new title that is clearly indicative of the elected method claims. Applicants respectfully submit that the title has been amended to clearly indicate the elected method. Accordingly, withdrawal of this objection is respectfully requested.

II. Double Patenting Rejection

The Office Action provisionally rejects claim 1 under the judicially created doctrine of double patenting over claims 1 and 16 of co-pending Application No. 10/045,085. Applicants respectfully submit that the cancellation of claim 1 renders this rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

III. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 4 and 5 under 35 U.S.C. §112, second paragraph as failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants respectfully traverse this rejection.

In particular, the Office Action asserts that the phrase "the conditions for microwave radiation" in claim 4 has no antecedent basis and is indefinite because it is unclear as to what conditions are changed. Applicants respectfully submit that claim 4 has been amended to

replace the phrase "changing the conditions for microwave radiation" and clarify the subject matter set forth therein.

In addition, the Office Action asserts that the dependency of claim 5 appears inaccurate. Applicants respectfully submit that claim 5 has been amended to correctly depend from claim 4.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

IV. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) over Japanese Patent No. JP 405124848A in view of U.S. Patent No. 3,731,036 to Hallier et al., U.S. Patent Application Publication No. US 2003/0140469 to Nitsche et al. and U.S. Patent Application Publication No. US 2003/0012923 to Beall et al.

Applicants respectfully submit that claim 1 has been canceled by this amendment, and claims 2 and 3 have been amended to depend from non-rejected claim 4, thus rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

V. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 4 and 5 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome. Because the rejection is overcome for the reasons described above, claims 4 and 5 are in condition for allowance.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JMS/jms

Date: July 9, 2004

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